



AGENDA
SCAPPOOSE CITY COUNCIL
COUNCIL CHAMBERS
33568 E. COLUMBIA AVE
SCAPPOOSE, OREGON 97056



**MONDAY FEBRUARY 2, 2009
REGULAR CITY COUNCIL MEETING
AT 7:00 P.M.**

ITEM	AGENDA TOPIC	Action
1.0	Call to Order	
2.0	Pledge of Allegiance	
3.0	Roll Call	
4.0	Approval of the Agenda	
5.0	Public Comments	
6.0	Consent Agenda	
	6.1 January 20, 2009 City Council Meeting Minutes	
	6.2 Appointment of City Charter Committee Review Members	
	6.3 Appointment of Mayor's Youth Advisory Board Members	
7.0	School Bond Status Report	
8.0	Proclamations	
	8.1 Proclamation for Oregon's 150th Birthday	
	8.2 Proclamation to Formally Embrace the Importance of Character in Local Government Leadership	
9.0	Old Business	Council Approval
	9.1 Ordinance No. 804: An Ordinance Modifying Commercial Construction Periods to Prohibit Work on Sundays and Specified Holidays within the City of Scappoose Staff: Hanken	Public Hearing Second Reading
	9.2 Planning Commission recommendation on Highway 30 sidewalk damage from street trees Staff: Varricchione	Public Hearing
10.0	Announcements	
	10.1 Calendar	
	10.2 Police Chief, City Manager, Councilors, and Mayor	
11.0	Executive Session	
	11.1 ORS 192.660 (1) (e) Real Property Transactions	
12.0	Adjournment	

This meeting will be conducted in a handicap accessible room. If special accommodations are needed, please contact City Recorder, Susan Reeves at (503) 543-7146, ext 224 in advance.

TTY 1-503-378-5938

**CITY OF SCAPPOOSE
REGULAR CITY COUNCIL MEETING
FEBRUARY 2, 2009
AT 7:00 P.M.
SCAPPOOSE, OREGON**

Call to Order

Mayor Burge called the meeting to order at 7:00 p.m.

Flag Salute

Moment of Silence

Mayor Burge asked for a moment of silence in honor of former Councilor Floyd Pittard who passed away in January. He will be missed.

Roll Call

The meeting of the City of Scappoose City Council was held at 7:00 p.m. in the Council Chambers; 33568 East Columbia Avenue; Scappoose, Oregon with the following present:

City Council Members:

Scott Burge	Mayor
Donna Gedlich	Councilor
Judie Ingham	Councilor
Larry P. Meres	Councilor
Art Heerwagen	Councilor
Jeff Erickson	Councilor

Staff:

Jon Hanken	City Manager
Norm Miller	Police Lieutenant
Brian Varricchione	City Planner/P.E.
Susan Reeves	City Recorder

Press:

None present

Also present: Craig Frasier

Excused: Council President Bernhard & Legal Counsel

Approval of Agenda

Councilor Ingham moved and Councilor Erickson seconded the motion to approve the agenda. Motion passed (6-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Heerwagen, aye and Councilor Erickson, aye.

Public Comments

None

Approval of Consent Agenda

January 20, 2009 City Council Meeting minutes

Appointment of City Charter Committee Review Members: Councilor Ingham, Councilor Meres, Loren Holm, Devra Hermosilla, Prudence White & Craig Frasier

Appointment of Mayor’s Youth Advisory Board Members: Shane McGowan, Britt Bennett, Deniscia Herzberg and Flora Center

Councilor Ingham moved and Councilor Erickson seconded the motion to approve the January 20, 2009 City Council Meeting minutes, Appointment of City Charger Committee Review Members, Appointment of Mayor’s Youth Advisory Board Members. Motion passed (6-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Heerwagen, aye and Councilor Erickson, aye.

School Bond Status Report

Paul Petersen, Scappoose School Superintendent, presented information to Council and staff regarding the new proposed school and the construction that will be happening at the other schools. He handed out an overview of guiding principles for the design and construction plan. He also handed out a design process schedule, conceptual drawings and the pre-design book. He explained the second Tuesday of the month he will be starting up his “Coffee with the Superintendent” at Old Towne Café.

Paul Petersen discussed the issue of ball fields being placed at the current location of Otto Petersen School.

City Manager Hanken asked if the School District is still willing of entertaining the idea of the skate park site being at the Otto Petersen School location. Paul Petersen replied absolutely.

Mayor Burge thanked Paul Petersen for the snack center and the restrooms to be moved to the Scappoose Veterans Park. Paul Petersen replied not a problem they had to be moved any way.

City Manager Hanken asked Mr. Petersen what is the time frame if everything goes well. Paul Petersen replied they are planning on having a ground breaking for the new school in June and are hoping to be moved in September of 2010.

Proclamations

Proclamation for Oregon’s 150th Birthday

Mayor Burge read the proclamation.

Proclamation to Formally Embrace the Importance of Character in Local Government Leadership

Mayor Burge read the proclamation.

Old Business

Ordinance No. 804: An Ordinance Modifying Commercial Construction Periods to Prohibit Work on Sundays and Specified Holidays within the City of Scappoose

City Manager Hanken went over the staff report.

Mayor Burge read the opening statement and opened the public hearing at 7:35 p.m.

Jeff Spang asked if commercial construction is defined in the bylaws. City Manager Hanken replied he would need to find the definition in the municipal code. Mayor Burge feels commercial construction would be for profit. Jeff Spang explained he is curious what commercial construction does, does that included residential or is it commercial such as working on a coffee shop after hours so it doesn't impact their business. City Manager Hanken feels the ordinance gets in to construction for profit, as the Mayor stated. He explained somebody at home doing their own home repairs he doesn't believe this ordinance is focused on. It is focused on the larger scale.

Jeff Spang stated if this is a noise issue and you have two individuals working next to each other at two individual houses and one is commercial by your definition and the other is a residential home owner, the person doing commercial construction is in violation of this. Mayor Burge replied they both could be since this is a noise violation ordinance. He explained these are specific items that are deemed in violation but noise unto itself can be a violation based on the ordinance.

Jeff Spang stated he doesn't want to be having a picnic and some one working next to him and it being loud. He understands what this ordinance is all about but he wants it to be fair to people who do make a living in construction. He also wants to make it fair to the business owners in the community who do have to have work done after hours so it doesn't impact their revenue during the day.

Councilor Heerwagen asked Jeff Spang if the addition of the word residential would satisfy him. Jeff Spang replied yes it would cover everything. Councilor Heerwagen asked why the additional days would make it worse than it is for Sundays. He asked if he hasn't had any problems on Sundays why would he have one with New Years Day, Memorial Day, etc. Jeff Spang replied he wouldn't have a problem but he is saying somebody else might.

Mayor Burge discussed the issue of a construction company coming before the Council so they could work after hours at McDonalds. Also there was a local church that came before Council to ask to work on the weekends and asked for extended time and they both were granted. He stated people see the ordinance and if they need extra time or days they have never had a problem coming forward and asking. The Council understands. He stated that is why the Council discussed it and they understand that it would be more efficient for City Manager Hanken to have the authority to grant extra time to contractors if needed.

Jeff Spang stated with the holiday issue there are lots of holidays in this Country and there are lots of people that work on holidays that some American take for granted that other Nationalities don't necessarily care about. So that is his point on the holidays.

Councilor Gedlich explained this ordinance is to make sure we are being fair to all the neighborhoods. She stated some of the construction jobs are very noisy.

Jeff Spang explained some times there are deadlines and he doesn't want this ordinance to infringe on their ability to get the work done if they have a time line. He would like to know the definition of unnecessary noise so they know as a group of individuals and the officer knows if they do get a call from the neighbors complaining of the noise everyone knows the definition of noise.

Councilor Erickson explained his problem with this is he doesn't feel Government should take the stand to mandate holidays. He stated that doesn't seem right.

Mayor Burge closed the public hearing at 7:47 p.m.

Mayor Burge read the title for the second time.

Councilor Ingham amended the moved and Councilor Gedlich to adopt the recommended changes to the ordinance. Motion passed (6-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Heerwagen, aye and Councilor Erickson, aye.

Councilor Gedlich explained this ordinance is complaint generated and she feels we shouldn't worry about the holidays. She explained this is about the noise that is so offending that one or two neighbors call in to complain, it doesn't matter if it is a holiday or not.

Councilor Ingham explained the work inside the house isn't even listed on the ordinance, that is not something that we are going to be looking at and she doesn't have a problem with that at all. She stated it is the outside heavy equipment, pounding nail gun, loud noisy work that this ordinance specially addresses and she thinks that is our concerned here.

City Manager Hanken wanted to discuss again if somebody's water line breaks on a holiday it is necessary to have it fixed. We need to be careful in saying all work is banned. He stated there is a difference in pounding nails at 9:00 in the morning and pounding nails at 5:30 in the morning: there is consideration there. He stated I guess I want to be careful about tightening everything down to a point where no body can do anything on those days; there are functions that need to be done. He stated the primary purpose of this ordinance was to look at unnecessary noise.

City Manager Hanken read the definition of commercial from a dictionary ~ made or done for profit.

Mayor Burge asked Council if they want to make a change in the ordinance based on the definition read by the City Manager.

Motion passed (4-2). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Heerwagen, aye; Councilor Meres, nay and Councilor Erickson, nay.

Planning Commission recommendation on Highway 30 sidewalk damage from street trees

City Planner Brian Varricchione read over the staff report. He explained the Planning Commission felt it was a good idea if spaced allowed and there weren't conflicting utilities and you could plant trees behind the sidewalk.

Mayor Burge opened the public hearing at 8:03 p.m.

Herbert Smith, 51956 SE 6th Street, Scappoose explained he is the one who got the article started in the Spotlight. He explained he received an email from Mayor Burge. He stated the sidewalks have been an issue for many years and the City has done nothing about them. He stated if any of you saw the picture the Spotlight took of him in his chair he is probably about a foot and a half

from being run over by trucks, cars or what ever and nobody seems to pay any attention to that. He doesn't know how a city decides what needs to be fixed first.

George Hafeman, Scappoose, explained years ago he wrote a letter to the City regarding the sidewalk in front of one of his offices. The letter indicated if the City wanted him to take care of the sidewalk then the tree was coming down. His proposal would be the City would take care of the existing problems immediately, which is take trees out, which he didn't want in the first place in front of his office. He stated the City was not a fault when then highway was built. He discussed a potential root invasion in to the water lines.

City Manager Hanken explained running under the trees there is a 12 inch pvc water line.

George Hafeman explained he would suggest to take the trees down and fix the sidewalks so there isn't a liability problem.

Councilor Gedlich explained she was on City Staff when the trees were planted and City Council and City Staff tried to change the species of the trees but there was no way to change ODOT's decision.

George Hafeman it has been years and it needs to be fixed.

Mayor Burge closed the public hearing at 8:15 p.m.

Councilor Ingham moved and Councilor Gedlich seconded the motion that the Council direct staff to develop a plan to remove the Highway 30 trees that are currently damaging the sidewalk, repair the sidewalks to ADA standards, and explore options for replanting trees and or shrubbery behind the sidewalk and or installing pedestrian scale lighting.

Councilor Ingham stated it is really sad that the horrid mistake was made and we have to fix it and it is enormously incredibly expensive. She stated the monies involved with doing this repair is in the millions of dollars. She stated having said that it is one of the reasons why a decision hasn't been made, and that is no excuse, we should have been working on this years ago trying to figure out how to solve this problem. She thinks the trees need to be removed. She stated she agrees with the Planning Commission's recommendation. She does like the light pole idea. Councilor Gedlich concurs with everything Councilor Ingham stated and she is hoping we can come up with some money to get it done in a timely manner. City Manager Hanken explained this project is one of the four stimulus packages projects that is on the list.

Mayor Burge stated it is really an embarrassment for the City. He stated one of the things we learned from this whole experience was that we do not have an ADA Transition plan. He stated someone has told them they would like to see the lighting with hanging baskets.

Councilor Ingham expressed her concern with Mr. Smith's safety. She asked if there was another route that he could take. Mr. Smith replied no, he just doesn't go there any more. Councilor Ingham thanked Mr. Smith for coming forward.

Motion passed (6-0). Mayor Burge, aye; Councilor Gedlich, aye; Councilor Ingham, aye; Councilor Meres, aye; Councilor Heerwagen, aye and Councilor Erickson, aye.

Announcements

Mayor Burge went over the calendar. He explained the goal setting session will be during the first meeting in March.

City Manager

City Manager Hanken explained Council has the new audit. There is one change and that is the City needs to prepare its own financial statements for the auditors. He explained what the auditors are recommending is that the City has a separate CPA firm prepare our financial statements and then the auditors will come audit it. This is one of the things that has been changed by GASB.

He spoke in regards to the stimulus package.

Councilors

Councilor Gedlich thanked everyone for being present tonight.

Mayor Burge stated Wednesday he was at the Capitol for Mayor's Day at the Capitol.

Mayor Burge recessed for a break at 8:28 p.m.

Mayor Burge went in to executive session at 8:39 p.m.

Executive Session

ORS 192.660 (1) (e) Real Property Transactions

In attendance: Mayor Burge, Councilor Gedlich, Councilor Ingham, Councilor Meres, Councilor Heerwagen, Councilor Erickson, City Manager Hanken and City Recorder Reeves.

Mayor Burge came back in to open session at 8:43 p.m.

Adjournment

Mayor Burge adjourned the meeting at 8:43 p.m.

City of Scappoose, Oregon

Scott Burge, Mayor

Attest: _____
Susan M Reeves, CMC
City Recorder